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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/820,467

03/28/2001

Clifton W. Wood JR.

MI40-326

6353

21567

7590

10/31/2006

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EXAMINER

HYUN, SOON D

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

58

<b>Office Action Summary</b>	<b>Application No.</b> 09/820,467	<b>Applicant(s)</b> WOOD, CLIFTON W.	
	<b>Examiner</b> Soon D. Hyun	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 210-286 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 210-286 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/28/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 210-286 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims 210, 222, 240, and 248, the claimed subject matter "a portion of memory" is indicating a location of a memory with reference to "respective bits stored in the portion of the memory" (for example line 6 of claim 210, however, the parameters sent from the interrogator include an arbitration value (AVALUE) and an arbitration mask (AMASK) (specification page 15, lines 17-18), i.e., the memory location is not included in the parameters or the command in the specification at the time the application was filed.

In claims 210, 212, 220-222, 224, 232, 240, and 273, the claimed subject matter "a first group of integers" and "a second group of integers" are used to select a random value is new matter, because the devices (tags) respectively merely select random

numbers (specification page 25, lines 3-5), i.e., the first group and second group of integers were not described in the specification at the time the application was filed.

In claim 213, lines 1-3, the claimed subject matter "a difference between the second group of integers and the first group of integers depends, at least in part, on collisions detected by the interrogator" is new matter, because the limitation of "a difference" was not described in the specification at the time the application was filed.

In claims 216, 217, 219, 275, and 280, the claimed subject matter "at least a portion of an identification code" is new matter, because it was not described in the specification at the time the application was filed.

In claims 221, the claimed subject matter "the portion of memory has a length of o bits" is new matter, because it was not described in the specification at the time the application was filed.

In claim 263, the claimed subject matter "to determine a first number of slots in which the first device may respond" (lines 6-7) and "to determine a second number of slots in which the second device may respond" (lines 23-24) is new matter, because it was not described in the specification at the time the application was filed.

In claim 263, lines 25-26, the claimed subject matter "the second number of slots being different from the first number of slots" is new matter, it was not described in the specification at the time the application was filed.

In claim 267, lines 1-3, the claimed subject matter "a difference between the first number of slots and the second number of slot" is new matter, because the limitation of "a difference" was not described in the specification at the time the application was filed.

In claims 277 and 278, the claimed subject matter "a difference between the first group of integers and the second group of integers" is new matter, because the limitation of "a difference" was not described in the specification at the time the application was filed.

In claim 281, the claimed subject matter "a first range of time slots (line 7) and a second range of time slots (line 11)" is new matter, because they were not described in the specification at the time the application was filed.

In claim 283, the claimed subject matter "if the identified portion of memory has a length of o bits" is new matter, because it was not described in the specification at the time the application was filed.

### ***Response to Arguments***

3. Applicant's arguments filed 8/28/2006 have been fully considered but they are not persuasive.

Applicant argues that the amendment has no new matter, because the amendment is mere rephrasing of a passage supported in the original description in accordance with MPEP §2162.07. Examiner disagrees. As discussed in the claim rejection, the amendment has new matter instead of rephrasing. Applicant is requested to map the new matter as indicated above in the claim rejection to corresponding section of the specification.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

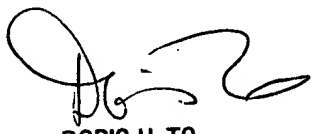
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon D. Hyun whose telephone number is 571-272-3121. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
S. Hyun  
10/23/2006

  
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